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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,328	04/28/2004	Kevin W. Guernsey	2230.0	3327

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EXAMINER
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BIDWELL, JAMES R

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,328	<b>Applicant(s)</b> GUERNSEY ET AL.	
	<b>Examiner</b> James R. Bidwell	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-31 and 42 is/are allowed.
- 6) ☒ Claim(s) 1,5,8-11 15,18-20,32,36 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,7,12-14, 16, 17, 33-35,37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffiths et al. (U.S. Patent 6,740,172).

Griffiths et al. show a sprocket 26 for driving a modular belt which includes a shaft 20, the sprocket 26 mounted to the shaft, a hub 30 with a bore for the shaft 20 and an outer periphery of the sprocket includes surfaces 26a-26d which are laterally offset relative to one another and contact an area of the inner belt surface that laterally varies.

Re claim 5, the sprocket defines first and second laterally offset surfaces.

Re claim 8, the sprocket has separable portions 26a, 26b and 26c, 26d.

Re claim 9, Figure 3 shows a fluid spray.

Re claim 10, shaft 20 is a drive shaft for driving the belt.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,15, 18-20, 32, 36 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths et al. in view of Vetter (US 2005/0061633).

Griffiths et al. do not show the sprocket 26 as rotating with shaft 20. However, shown by Vetter is a sprocket 26 that rotates with a shaft 23. To have Griffiths et al.'s sprocket rotate with the shaft would have been obvious to one of ordinary skill in the art as it would eliminate the need for sprocket bearings.

Re claim 15, see Figure 3.

Re claim 18, as per claim 8 rejection.

Re claim 19, as per claim 9 rejection.

Re claim 20, as per claim 10 rejection.

Re claim 32, the outer drive surfaces are connected to the hub 30 by intermediate portions.

Re claim 36, as per claim 5 rejection.

Re claim 39, as per claim 8 rejection.

Re claim 40, the bore in the hub receives the shaft.

Re claim 41, the surface contacted by the sprocket varies with each rotation so that the whole inner belt surface may be washed.

Claims 2-4, 6, 7, 12-14, 16, 17, 33-35, 37 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-31 and 42 are allowed.

Applicant's arguments filed 3/6/2006 have been fully considered but they are not persuasive. Surfaces 26a and 26b are spaced drive surfaces as per claim 1. Claim 1 also does not require the sprocket to rotate with the shaft. Further, to have a sprocket rotate with a shaft as opposed to relative to it does not involve an inventive concept as shown by Vetter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Bidwell whose telephone number is (571)272-6910. The examiner can normally be reached on Tues.-Fri. from 6:30 to 4:00. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRB

04-17-2006

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4/17/06